

REMARKS

1. Summary of the Office Action

In the non-final Office Action mailed on December 1, 2009, the Examiner allowed claim 23. The Examiner also objected to claim 32 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for this indication of allowable subject matter.

The Examiner rejected claims 34-36 under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. App. Pub. No. 2002/0131387 (Pitcher).

The Examiner rejected claims 5, 7, 10, 15-22, 26, 29-31, and 33 under 35 U.S.C. § 103(a) as being unpatentable over Pitcher in view of U.S. Pat. App. Pub. No. 2003/0134638 (Sundar), the Examiner rejected claims 6 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Pitcher in view of Sundar in view of U.S. Pat. No. 7,177,636 (Oda), the Examiner rejected claims 12-13 and 27-28 under 35 U.S.C. § 103(a) as being unpatentable over Pitcher in view of Sundar in view of U.S. Pat. App. Pub. No. 2004/0002335 (Pan), and the Examiner rejected claims 14 and 29 under 35 U.S.C. § 103(a) as being unpatentable over Pitcher in view of Sundar in view of U.S. Pat. App. Pub. No. 2002/0085516 (Bridgellall). The Examiner also objected to claims 34-36 due to informalities.

3. Interview Summary

On February 23, 2010, Tom Loos for the Applicant discussed the application with the Examiner. Applicant argued that the cited Pitcher art does not disclose or suggest a single call scenario that involves “making a call to a telephone number of the mobile terminal” in “respons[e] to the handoff request” as recited in claim 34. Rather, Applicant argued that Pitcher discloses a call scenario where calls are made to a mobile terminal that is separate from a handoff scenario, and the handoff scenario does not involving making call. The Examiner agreed with this argument, and asked Applicant to clarify that the “call” quoted above was clearly not the “cellular call” recited in claim 34. Applicant’s amendments above to claim 34 regarding a “second call” make the requested clarification.

Applicant made similar arguments regarding Pitcher’s failure to disclose or suggest routing involving making calls, such as the recited “a gateway configured to: ...route the

received call to the mobile terminal over the wireless local area network and call a telephone number of the mobile terminal when the received call involves a party in a given network” language of claim 10 and the recited “routing the received calls received from the cellular carrier network to the mobile terminal via the wireless local area network, wherein routing the received calls comprises calling a telephone number of the mobile terminal for a call of the received calls involving a party in a given network” language of claim 7. The Examiner tentatively agreed with Applicant that Pitcher did not disclose or suggest these features of claims 7 and 10 as well.

Applicant thanks the Examiner for sharing his time and expertise during the interview.

3. Summary of the Claims

In this response, Applicant amended claims 7, 10, 16, 17, 31, and 34 to clarify the language of these claims. Applicant submits that these amendments are generally supported by the specification.

Claims 1-4, 8-9, 11, and 24 had previously been cancelled and claims 37-40 had previously been withdrawn.

Now pending are claims 5-7, 10, 12-23, and 25-40, of which claims 7, 10, 23, 34, and 37 are independent and the remaining claims are dependent.

4. Response to Claim Rejections under 35 U.S.C. § 102

As mentioned above, the Examiner rejected claim 34 under 35 U.S.C. § 102 as being anticipated by Pitcher.

a. Pitcher does not disclose or suggest “responsive to the handoff request, the gateway: making a second call to a telephone number of the mobile terminal, and receiving the second call on behalf of the mobile terminal” as recited in claim 34.

Claim 34 recites, in part, **“responsive to the handoff request, the gateway: making a second call to a telephone number of the mobile terminal, and receiving the second call on behalf of the mobile terminal.”** Applicant submits that Pitcher does not disclose or fairly suggest at least these feature of claim 34, and thus Pitcher does not support a rejection of claim 34 under 35 U.S.C. § 102.

Pitcher describes “a local site communication system” as well as several call scenarios involving the local site communication system. Pitcher, Abstract, ¶¶ 0041 (stating five scenarios are disclosed).

In a scenario entitled “Call Received by Mobile Terminal 22b on Wireless Home Network 100” (“the Call Received Scenario”), Pitcher states: “[w]hen an authorized mobile terminal 22b is in a wireless home network 100 such as described above and a call is placed to the number of the mobile terminal 22b”, then the “mobile switching center 40 will instruct (at 400) all base stations in the location area ... to issue a page for the mobile terminal 22b. The cyber base station 128 (and other radio base station 28 in the location area) then issue (at 402) the page message.” Pitcher, ¶ 0055-0056.

Pitcher additionally describes that “[t]he voice client 102...buffers the page message at 404 until the mobile terminal 22b wakes up from its low power state, at which point the page message is forwarded (at 406) by the voice client 102 to the mobile terminal 22b...” Pitcher, ¶ 0057. Pitcher mentions “[t]he mobile terminal 22b then forwards (at 408) a Page Response to the voice client 102 to acknowledge that it received the page message. The voice client 102 forwards (at 410) the Page Response on the reverse internet control channel to the cyber base station 128, and the cyber base station 128 forwards (at 412) the Page Response to the mobile switching center 40.” Pitcher, ¶ 0058.

Pitcher continues the Call Received Scenario, stating that “[a]t that point, the mobile switching center 40 knows which cyber base station 128 /radio base station 28 covers the called mobile terminal 22b, and therefore the mobile switching center 40 thereafter only communicates with the covering cyber base station 128 for the remainder of this call. Specifically, the mobile switching center 40 sends (at 418) a traffic channel allocation to the cyber base station 128.” Pitcher, ¶ 0059.

Pitcher describes the following:

[T]he cyber base station 128 instructs (at 420) the voice client 102 to set up a connection for the traffic channel, and the voice client 102 creates the connection with the broadband internet protocol network 110 with the appropriate QoS and then sends (at 422) an acknowledgment which informs the cyber base station 128 that the connection has been created. The cyber base station 128 then sends (at 424) the traffic channel assignment on the internet channel assignment which the voice client 102 forwards (at 426) to the mobile terminal 22b. The mobile terminal 22b does not move to the cellular traffic channel in this assignment, but instead stops listening to the internet control channel and begins listening to the internet traffic channel. The voice client 102 then forwards (at 430) both the internet control channel and the internet traffic channel to the mobile terminal 22b which the mobile terminal 22b may then use when needed.... Appropriate voice channels are then established, for example, a wireless voice channel (at 440)

between the mobile terminal 22b and the voice client 102 , a voice channel (at 442) using the internet traffic channel between the voice client 102 and the cyber base station 128 , and a voice channel (at 444) using the T1 or E1 connections between the cyber base station 128 and the mobile switching center 40. (The voice connection between the mobile switching center 40 and the calling telephone, whether a mobile terminal or a fixed line telephone on a PSTN 42 , is not shown but may be accomplished as is known, including as shown in FIG. 6 if the calling telephone is a mobile terminal 22 a in a wireless home network 100).

Pitcher, ¶ 0060. To conclude the Call Received Scenario, Pitcher states:

[w]hen the call is terminated, the cyber base station 128 stops sending packets on the internet traffic channel and issues (at 450) a delete connection command to the voice client 102. The voice client 102 releases the QoS resources on the broadband internet protocol network 110 and acknowledges (at 452) the command to delete the connection. If the mobile terminal 22b remains in the home, the voice client 102 will continue to forward (at 208) the broadcast and individual internet control channel information received from the cyber base station 128 to the mobile terminal 22b, and the mobile terminal 22 b will remain active on that wireless home network 100.

Pitcher, ¶ 0061. Applicant notes that handoff is not mentioned at all during the Call Received Scenario. *See* Pitcher, ¶¶ 0055-0061.

Pitcher introduces a separate scenario entitled “Mobile Terminal Handoff from a Wireless Home Network 100 to Cellular” (“the Handoff Scenario”), as follows:

As opposed to the above described situation (where a mobile terminal 22 while making a call moves into a wireless home network 100), **a mobile terminal 22 will similarly at times when making a call move from a wireless home network 100 so that the wireless home network signal degrades**, in which case the call should be continued using the normal cellular service. **In such a case, a handoff from the wireless home network 100 to a radio base station 28 of the cellular system should be done.**

Pitcher, ¶ 0073 (emphasis added).

Pitcher then states that “[w]hile making such a call, the mobile terminal 22 monitors the power level and Bit Error Rates of the current internet traffic channel and of the control channel of neighbor cells...” Pitcher, ¶ 0074. Pitcher describes a “specific process for accomplishing such handoffs is shown in FIG. 9.” Pitcher, ¶ 0075. Pitcher states that:

“while a call is ongoing, a voice channel is established via the cyber base station 128.... When the mobile terminal 22 roams away from the wireless home network 100 so that the signal becomes weak (at 610), the mobile terminal 22 reports (at 612) measurements of the signal (e.g., signal strength and Bit Error Rate). The mobile terminal 22 reports (at 612 and 614) the measurement values to

the mobile switching center 40, which uses those values to determine whether to execute a handoff. If the mobile switching center 40 does not initiate the handoff, the mobile terminal 22 may ... force the mobile switching center 40 to execute a handoff.”

Id. (emphasis added).

Pitcher states that “[o]nce the mobile switching center ... decides (at 616) to execute a handoff, it sends (at 620) a traffic channel allocation command instructing that radio base station 28 to set up a traffic channel....” Pitcher, ¶ 0076 (emphasis added).

Pitcher continues to state that “the mobile switching center 40 instructs (at 630) the cyber base station 128 to handoff the current call on the internet traffic channel, and this instructions is relayed (at 632) by the cyber base station 128 to the voice client 102, which itself relays (at 634) the instruction to the mobile terminal 22.” Pitcher, ¶ 0077.

Pitcher adds that “[i]n response to this instruction, the mobile terminal 22 moves (at 640) from the internet traffic channel with the cyber base station 128 to the assigned traffic channel with the radio base station 28 and continues the current call on the voice channels (i.e., the voice channel at 650 between the mobile terminal 22 and the radio base station 28, and the voice channel at 652 between the radio base station 28 and the mobile switching center 40). Since the mobile terminal 22 has a transmitter and receiver for both the normal cellular interface and the wireless home network 100 as previously described, the mobile terminal 22 may synchronize with the new traffic channel of the radio base station 28 before leaving the internet traffic channel with the cyber base station 128.” Pitcher, ¶ 0078.

Pitcher concludes the Handoff Scenario, stating: “[o]nce the mobile switching center 40 receives voice packets from the radio base station 28 (indicating that the voice path to the mobile terminal 22 via the radio base station 28 is operating), the mobile switching center 40 notifies (at 656) the cyber base station 128 to drop the internet traffic channel which it had been using with voice client 102, and the cyber base station 128 sends (at 660) an instruction to the voice client 102 that the connection should be deleted....” Pitcher, ¶ 0079.

In summary, Pitcher describes several scenarios, including the Call Received Scenario and the Handoff Scenario. The Handoff Scenario involves:

- establishing a voice channel between a mobile terminal and a voice client via a cyber base station,
- measuring signals of the wireless home network,

- responsive to the signals being weak, executing a handoff where
 - the cyber base station handoffs the call to the voice client, which instructs the mobile terminal
 - the mobile terminal responsively moves from an internet traffic channel to an assigned radio channel of the radio base station and continues the current call on the voice channel.
- once the voice channel is transmitting packets, a mobile switching center informs the cyber base station to drop the internet traffic channel.

The Call Received Scenario does not mention handoffs.

However, **Pitcher does not disclose or suggest “making a second call to a telephone number of the mobile terminal” or “receiving the second call on behalf of the mobile terminal” responsive “to a handoff request” as recited in claim 34.** Rather, as summarized above, in response to a handoff, Pitcher describes moving a call from an internet traffic channel to a voice channel -- not making or receiving a second call made to a mobile terminal’s telephone number. *See* Pitcher, ¶ 0076.

b. The anticipation rejection of claim 34 as set forth by the Examiner included an impermissible rearrangement of the disclosure of Pitcher.

In discussing anticipation rejections, M.P.E.P. § 2131 instructs the Examination Corps that “[t]he elements must be arranged as required by the claim, but this is not an *ipsisimilis* test, i.e., identity of terminology is not required.” M.P.E.P. § 2131 (quoting *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)) (emphasis added).

As recited in claim 34, “responsive to the handoff request”, at least two operations take place: “making a second call to a telephone number of the mobile terminal” and “receiving the second call on behalf of the mobile terminal.”

To reject the above quoted features of claim 34, the Examiner cited ¶¶ 0055-0057 of Pitcher, which describe the Call Received Scenario. As quoted above, those paragraphs do not disclose performing any activities **in response to a handoff request.** Further, Pitcher clearly indicates that the “Call Received by Mobile Terminal” scenario is distinct from the hand off scenario. *See* Pitcher, ¶ 0041 (describing the scenarios), 0055-0061 (describing the call received scenario), and 0071 (distinguishes previous scenarios from the Handoff Scenario).

Therefore, Applicant submits the Examiner has rejected claim 34 based on an impermissible rearrangement of Pitcher.

For at least these reasons, Applicant submits that Pitcher does not disclose or suggest all of the features of claim 34 as arranged in the claim, and therefore does not support a rejection of claim 34 under 35 U.S.C. § 102. Thus, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claim 34 under 35 U.S.C. § 102.

5. Response to Claim Rejections under 35 U.S.C. § 103

As mentioned above, the Examiner rejected claims 7 and 10 under 35 U.S.C. § 103 as being unpatentable over Pitcher in view of Sundar. Applicant submits that the Pitcher/Sundar combination does not disclose or suggest all of the features of claims 7 and 10, and thus does not support rejection of claims 7 and 10 under 35 U.S.C. § 103.

a. The proposed Pitcher/Sundar combination does not disclose or suggest “routing received calls” that includes “calling a telephone number of the mobile terminal for a call of the received calls” as recited in claim 7.

Claim 7 recites, in part, “routing the received calls received from the cellular carrier network to the mobile terminal via the wireless local area network, wherein **routing the calls comprises calling a telephone number of the mobile terminal for a call of the received calls involving a party in a given network.**” (emphasis added). Similarly, claim 10 recites, “a gateway configured to ... **route the received call to the mobile terminal over the wireless local area network by calling a telephone number of the mobile terminal when the received call involves a party in a given network.**”

In rejecting these above-quoted features of claims 7 and 10, the Examiner relied upon ¶¶ 0055-0057 and 0060 of Pitcher. Those paragraphs of Pitcher are quoted above.

To summarize: Pitcher describes that, upon receiving a call, issuing a page for a mobile terminal, receiving the page at a voice client, and then forwarding the page to a mobile terminal, and later setting up a connection for a voice channel to the mobile terminal via a cyber base station and the voice client. *See* Pitcher, ¶¶ 0056-0057, 0060.

However, Pitcher does not disclose or suggest “routing the received calls” by “**calling a telephone number of the mobile terminal for a call of the received calls involving a party in a given network.**” That is Pitcher does not describe receiving a call and then routing the received call by calling a telephone number for a mobile terminal. The only mention of

telephone numbers in the Received Call Scenario (which includes ¶¶ 0056-0060) is that a call is originally placed to a mobile terminal in a wireless home network. Pitcher, ¶ 0056.

Rather than routing this received call by “calling a telephone number of the mobile terminal,” as recited in claim 7, Pitcher describes issuing a page for a mobile terminal and later setting up a connection for a voice channel to the mobile terminal via a cyber base station and the voice client. Pitcher, ¶¶ 0056-0057, 0060. Thus, Applicant submits Pitcher does not disclose or suggest all features of claim 7.

Applicant submits that Sundar does not cure these deficiencies of Pitcher. Therefore, Applicant submits the proposed Pitcher/Sundar combination does not support a rejection of claim 7 under 35 U.S.C. § 103.

b. The proposed Pitcher/Sundar combination does not disclose or suggest “a gateway configured to ... route the received call to the mobile terminal over the wireless local area network by calling a telephone number of the mobile terminal when the received call involves a party in a given network” as recited in claim 10.

Specifically, claim 10 recites, in part, “a gateway configured to ...route the received call to the mobile terminal over the wireless local area network by calling a telephone number of the mobile terminal when the received call involves a party in a given network.” This quoted portion of claim 10 recites similar subject matter to that discussed above for claim 7. Thus, for at least the reasons provided for claim 7, Applicant submits that the proposed Pitcher/Sundar combination does not support a rejection of claim 10.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections of claims 7 and 10 under 35 U.S.C. § 103.

c. The rejections of the dependent claims should be withdrawn based on the reasons presented above for claim 7, 10, and 34.

Additionally, Applicant respectfully requests the Examiner reconsider and withdraw the rejections of each of the dependent claims under 35 U.S.C. §§ 102 and 103 for at least the reasons presented for each respective base claim; that is, either claim 7, 10, or 34, respectively. There may be additional reasons for the patentability for each of the dependent claims, and Applicant does not waive the right to set for those additional reasons at a later date.

6. Conclusion

In view of the foregoing, Applicant submits all claim rejections have been addressed and respectfully requests the Examiner to reconsider and withdraw all outstanding rejections for this application.

Should the Examiner wish to discuss this case, the Examiner is invited to call the undersigned at (312) 913-3338.

Respectfully submitted,

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